

REMARKS/ARGUMENTS

The non-final Office Action of July 23, 2008, has been reviewed and these remarks are responsive thereto. Claims 20-24, 29-42, and 45-50 have been amended, no claims have been canceled, and no new claims have been added. No new matter has been introduced. Claims 20-24, 26-50 remain pending in this application. Reconsideration and allowance are respectfully requested.

Allowable Subject Matter

Applicant acknowledges with appreciation the indication that the application contains allowable subject matter. Specifically, claim 50 stands allowed and claim 47 was deemed allowable if rewritten in independent form to incorporate all the features of the base claim and any intervening claims. In order to expedite allowance, Applicant has amended independent claims 20, 29, and 37, to incorporate several features similar to those recited in allowed claim 50. Thus, as explained below, Applicant believes that amended independent claims 20, 29, and 37, and the remaining claims, are now in condition for allowance.

Rejections Under 35 U.S.C. § 103

Claims 20-24, 26-45, 46, and 48 stand rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,611,519 to Howe (*Howe*), in view of U.S. Patent No. 6,240,084 to Oran et al. (*Oran*).

Independent claims 20, 29, and 37 are respectively directed to method, device, and system of eliminating packet loss at a packet-switching device. Each of claims 20, 29, and 37 has been amended to recite several features similar to those in allowed claim 50, indicated as allowable in the Office Action. Specifically, amended claims 20, 29, and 37 each recite, “detecting the presence of one or more other [connected] devices,” “identifying a designated master device within the one or more other devices,” and “receiving from the designated master device a transmission schedule indicating times during which transmission to the packet-switching device would not conflict with transmissions of any of the one or more other devices.” None of the cited references, alone or in combination, teaches or suggests these additional features.

As discussed in the Amendment of July 7, 2008, *Howe* describes a layer 1 physical level switching system for scheduling delivery of 'headerless' data. However, *Howe* does not schedule transmission of network packets to a packet-switching device, as claimed. Furthermore, the scheduling in *Howe* does not disclose or even suggest detecting the presence of other transmitting devices, identifying a designated master device, or receiving a transmission schedule from the designated master device, as recited in amended claims 20, 29, and 37.

Oran describes a packet-switching system operating at network layers 2 and 3. However, as the Office has previously acknowledged, *Oran* does not disclose scheduling the transmission of network packets. See Office Action of August 31, 2006, page 6. Thus, *Oran* also fails to teach or suggest detecting the presence other transmitting devices, identifying a designated master device, or receiving a transmission schedule from the designated master device, as recited in amended claims 20, 29, and 37.

For at least these reasons, the Applicant submits that amended independent claims 20, 29, and 37 are allowable over the proposed combination of *Howe* and *Oran*. Dependent claims 21-24, 26-28, 30-36, and 38-48 are allowable for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

Claim 49 stands rejected under 35 U.S.C. §103(a), as being unpatentable over *Howe* and *Oran*, further in view of U.S. Patent No. 5,875,175 (*Sherer*). However, *Sherer* fails to correct the above-discussed deficiencies of *Howe* and *Oran*, in that *Sherer* also does not teach or suggest detecting the presence of other transmitting devices, identifying a designated master device, or receiving a transmission schedule from the designated master device, as recited in amended claims 20, 29, and 37. Accordingly, claim 49 is also allowable over the proposed combination for at least the same reasons.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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